



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,073	03/26/2004	Wolfgang Papiernik	PAPIERNIK-3	8071

20151 7590 03/30/2005

HENRY M FEIEREISEN, LLC  
350 FIFTH AVENUE  
SUITE 4714  
NEW YORK, NY 10118

EXAMINER
----------

DAVIS, OCTAVIA L

ART UNIT	PAPER NUMBER
----------	--------------

2855

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/811,073

Applicant(s)

PAPIERNIK ET AL.

Examiner

Octavia Davis

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/26/04.
- 4) ☐ Interview Summary (PTO-413) .  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sartorio.

Regarding claims 1 and 5, Sartorio discloses a structure for measuring machines or machine tools comprising a primary crossbeam 6 disposed between movable support elements 1 and supporting the tool or the machine component, a rigid secondary crossbeam 5 supported between the support elements, and a measuring unit 11 connected with the primary crossbeam and constructed to measure a deflection of the primary crossbeam relative to the secondary crossbeam (See Col. 3, lines 7 – 29).

Regarding claim 2, the deflection is dependent on a weight and a force exerted on the tool or the machine component (See Col. 2, lines 31 – 35).

Regarding claims 3 and 4, the secondary crossbeam and the primary crossbeam differ in rigidity (See Col. 4, lines 34 - 43).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

Art Unit: 2855

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sartorio in view of Stutzacker.

Regarding claims 6 and 7, Sartorio discloses all of the limitations of these claims except for a teaching that the measuring unit is constructed as a measuring instrument using laser triangulation. However, Stutzacker discloses a sewing machine for sewing stationary large surface material comprising crossbeams 6, 7 disposed between supporting members 1, 2 and sensors 55 – 59 for sensing distance (See Col. 6, lines 21 – 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sartorio according to the teachings of Stutzacker for the purpose of, measuring the distance position between a plurality of units to effect re-engagement means (coupling members) upon the selective change of predetermined distance (See Stutzacker, Col. 10, lines 54 – 59).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sartorio in view of Stutzacker, as applied to claims 1 – 7 above, and further in view of Halstrick.

Art Unit: 2855

Regarding claim 8, Sartorio and Stutzacker disclose all of the limitations of these claims except for a teaching that the secondary crossbeam includes a metallic surface. However, Halstrick discloses fastening for storage racks comprising crossbeams 14a disposed between upright posts 10 wherein the crossbeams 14a are composed of sheet metal (See Col. 3, lines 24 – 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sartorio and Stutzacker according to the teachings of Halstrick for the purpose of, providing a storage mechanism which is simple to assemble, rigid in construction for carrying vertical loads and which is resistant to bending moments (See Halstrick, Col. 1, lines 34 – 42).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meline et al (4,607,531) disclose a torsional and axial strain measurement extensometer assembly.

8. Any inquiry concerning this communication should be directed to examiner Octavia Davis at telephone number (571) 272 - 2176. The examiner can normally be reached on Monday - Thursdays (9:00 - 5:00), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (571) 272 - 2180. The fax phone number for the organization where this application where this application or proceeding is assigned is (703) 872 – 9306.

Application/Control Number: 10/811,073

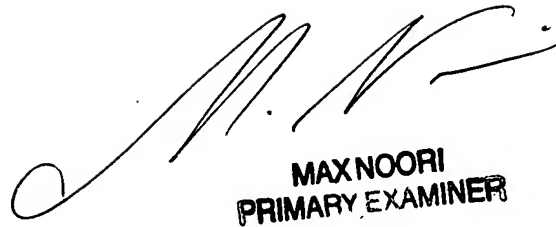
Page 5

Art Unit: 2855



OD/2855

3/28/05



**MAX NOORI**  
**PRIMARY EXAMINER**